# REPORT

OF

PENAL AND CIVIL PROSECUTIONS AND COMPLAINTS

DISPOSED OF BEFORE THE

# RECORDER'S COURT

OF THE CITY OF MONTREAL

## DURING THE YEAR 1886

AS WELL AS

## AMOUNTS OF FINES, &c, RECEIVED THEREON.

*Furnished by His Worship the Recorder, under the Consolidated Statutes of Lower Canada, chapter CXVI, respecting annual Statistical Returns of Judicial Matters.*

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*To the Chairman and Members of the Police Committee.*

GENTLEMEN,

I beg to submit for your consideration the annual report of the Recorder's Court for 1886.

More than at any other time previously, this Court must have attracted the attention of serious men during the last year, for new and important questions, and matters altogether worthy of the consideration of higher tribunals, have been submitted to it.

I will mention only two : the first—decided in the negative, as is already known—whether Nude in art can be exhibited, forced even upon the public, in a country like ours, where the exhibition of the original, of which the so called artistic nudity is after all but a poor imitation, is strictly forbidden by Criminal Law ; the second is the prosecution against the Salvation Army, a self styled religious sect which, by its public demonstrations, noisily demands its share of that liberty of belief and religious practice assured our people by Constitution. Until this latter problem is solved, it behoves our tribunals to maintain those people within the exact limits of the law of decency and of due regard for public peace.

As was to be expected, Gentlemen, the extension of the city limits and the natural increase in population have brought about a corresponding increase in the number of crimes and offences coming under the jurisdiction of this Court. By establishing a comparison between the last two years, we find that, in 1886, there was an increase of 22 aggravated assaults, 40 common assault and batteries, 16 disorderly houses, 44 cases of damaging property, 371 cases of vagrancy, drunkenness, etc., 57 demands of sureties, 24 cases of insanity, 56 cases of infraction of the saloon license law, 92 cases of contravention to the by-law relating to fast driving in the streets of the city, 154 cases of negligence to cause ashes to be strewn on slippery sidewalks in winter, 37 refusals to obey the orders of the Board of Health, etc., etc.

On the whole, the number of offences against Statutes shows

an increase of 675 ; that of offences against By-laws, an increase of 596. The same may be said of nearly all matters falling under the civil jurisdiction of the Recorder's Court, as, for instance, cases in ejectment, which have increased from 142 to 171.

I might add that the revenue, consequent upon the above, has shown a decided improvement. It will be found to exceed by $7,022,14 that of 1885.

Having alluded to the manner in which sidewalks are kept in winter, I must say that, at no other time during the nineteen years that I have been an officer of this Court, have the complaints in this respect been so numerous; the prosecutions entered during the last three months may be counted by hundreds. The fact is that the by-law regarding this matter is either very badly observed or but poorly understood. This by-law limits to six inches the thickness of snow to be left on sidewalks, but what most people do not seem anxious to learn, although it is, to my mind, a great deal more important, is that the by-law not only says that the sidewalk must be flat and even, but *on a level* with the neighbouring ones. There are to be found not a few people, who, going further than the law, imagine that they have given proof of a certain heroism and have well deserved of their fellow citizens when they have hacked and cut the ice and snow down to the boards, without stopping a moment to think that their neighbours are not bound to do the same. This is often the cause of a dangerous fall, especially at night, and such excess of zeal is totally at variance with the spirit as well as the letter of the law.

Fast driving is also a source of great complaints. The rate allowed by the by-law is six miles to the hour, that is the ordinary rate, when on a straight line, and a walk, when turning street corners. Now, in most of the 154 cases brought before the Court, during the last year, the speed was shown to have been, on an average, ten to twelve miles an hour. This is a dangerous pasttime and an intolerable nuisance against which the Court has not ceased to strongly protest by a close application of the law.

Compared with that of 1885, the number of saloons found open on sundays in 1886 has been [illegible] times larger. I attribute this result solely to an increased vigilance on the part of the Police. The guilty parties have been condemned to a fine of $30 which

may be increased to $75, according to the judgment of the Court. I believe the magistrates who hear those cases might, by showing more severity, greatly help the willing men who strive to stop the progress of intemperance. A good beginning would be made, according to me, by obtaining from the Licence Commissioners that they remain unshaken in their determination, once taken, of refusing an hotel licence to those Restaurant-keeper, whose establishments are hotels only by the sign affixed over the door; for, experience has shown that most of those so called hotel-keepers make an abuse of the privileges granted them by law.

The law regulating the closing of restaurants is justly severe; it says that on sundays those places must be completely and absolutely closed. With the obvious intention of evading this law, certain restaurant-keepers have adopted the plan of opening a billiard room next to their bar room; and as billiards are not yet actually prohibited on sunday, they hold that the legislator, who has given them, with their licence, the right of allowing billiard playing, could not have had the intention of depriving them of that right by another law. This pretension having been rejected by the Recorder's Court, they are now appealing to the Superior Court. The Legislature will probably have to interfere, so as to define more clearly the powers of the City Council concerning the prohibition of billiards on sunday.

No less strict is the by-law relating to masters and servants. This by-law imposes imprisonment in each case besides a fine, and the judge has no other alternative to follow. However, nothing shows that this severity has been beneficial to servants in general. Eighty-four times, during 1886, guilty servants have appeared before the Court, and their number, which was 34 in 1885, has thus been increased by 50 in the course of one year. Some female servants have undertaken to become a nightmare to those who cannot dispense with their services. Laziness and love of luxury combined have rendered them more and more exacting and insolent, and those defects in them are only equalled by the unscrupulous manner in which they break their engagements and cause trouble to their masters. Many apprentices and journeymen mechanics are equally guilty in this respect.

A word of advice to masters may not be out of place here.

The by-law applies only to apprentices bound or engaged by written agreement, and to journeymen or other servants of both sexes bound by written agreement or verbally engaged before one or more witnesses. The omission of those formalities, in either case, carries with it nullity of proceedings. It should never be forgotten to require the presence of a witness when verbally engaging a servant.

Health matters have also been often brought before the Court during the year. The Health Officers deserve a mention from me, for I have seen them at work. They have to my personal knowledge, shown an activity which is so much more to their credit that the public is generally unfavorable to their suggestions. Many delinquents of all classes, who had not been warned enough by the last epidemic, where summoned through those officers, and I hope I have done my best to assist them in their worthy endeavors.

I cannot close this short *exposé* of our humble task, without joining with the general public in demanding as a matter of absolute necessity the codification of our by-laws. This want is naturally felt by us, who have to make daily searches for the numerous amendments made to the by-laws during the last twenty years. But to many lawyers, our four volumes of by-laws are a labyrinth compared to which the Carnival Maze was but a card castle.

From all the above, it is obvious that work has not been wanting in our office, Gentlemen, and that those who undertake to sum up, by the familiar $1 or 8 days, the labors and importance of the Recorder's Court, are, to say the least, somewhat mistaken.

I have only praises to bestow upon the Chief of Police and his men with whom we are in daily contact. I have been able to appreciate their politeness, the discipline existing among them, and especially their devotedness to the interests of morality and good order.

As for my assistants, the zeal and intelligence they have shown in the performance of their duty are above all praise. I wish also to acknowledge that I had not relied in vain on the learned assistance of the Presiding Magistrate of the Court. This help has been so much more valuable that it was given with the greatest kindness.

Before closing, Gentlemen, I must call your attention to a change which His Honor the Recorder has allowed me to make in

the sittings of the Court, a change which had become necessary. There are now two sittings a day, instead of one. In the morning, at ten, the Court opens to hear the police cases and dispose of the prisoners ; and, in the afternoon, at two o'clock, it meets again to hear the special cases, that is to say, all cases in w ich the defendant is only summoned to appear and with which the police have nothing to do, except as witnesses. This afternoon sitting, apart from other advantages, will be the means of saving valuable time to litigants and keep them from the disagreeable proximity of prisoners.

I have the honor to remain,

Gentlemen,

Your humble and obedient servant,

H. A. GERMAIN,
*Clerk of the Recorder's Court.*

Montreal, Feb. 15, 1887.

# PENAL PROSECUTIONS.

## 1°. OFFENCES AGAINST STATUTES.

*Described and enumerated as follows :*

| | |
|---|---|
| Aggravated assault | 58 |
| Assaulting constables in the lawful performance of their duty | 32 |
| Obstructing constables in the lawful performance of their duty | 38 |
| Molesting a constable in the lawful performance of his duty | 11 |
| Hindering a constable in the lawful performance of his duty as constable | 2 |
| Assaulting a bailiff in the lawful performance of his duty | 1 |
| Obstructing a bailiff in the lawful performance of his duty | 1 |
| Hindering a bailiff in the lawful performance of his duty | 1 |
| Assaulting females (32, 33 Vic., ch. 32) | 21 |
| Common assault and battery | 777 |
| Aiding the commission of an assault | 1 |
| Disturbing an assembly of persons met for a religious or social purpose | 12 |
| Carrying offensive weapons | 2 |
| Having a pistol upon his person when arrested for an offence. | 12 |
| Carrying a pistol with intent therewith to do injury | 1 |
| Pointing a pistol (loaded or unloaded) at another without lawful excuse | 5 |
| Keeping houses of ill-fame. | 7 |
| Inmates of the same | 18 |
| Frequenters of the same. | 10 |
| Found in the same | 13 |
| Keeping disorderly houses. | 49 |
| Inmates of the same | 32 |
| Frequenters of the same. | 25 |
| Found in the same | 30 |
| Cruelty to animals | 28 |
| Keeping a cock-pit | 1 |

| | |
|---|---|
| Assisting at the fighting of cocks | 19 |
| Committing damage to real or personal property | 189 |
| Persons unlawfully appropriating for their own use personal property belonging to others | 29 |
| Persons using threatening language and bound over to keep the peace | 115 |
| Insanity | 103 |
| *Delirium tremens* | 4 |
| Keeping bars open on Sunday | 40 |
| Keeping for sale intoxicating liquors without a licence | 4 |
| Innkeepers selling intoxicating liquors on Sunday | 5 |
| Selling intoxicating liquors in a restaurant on Sunday | 1 |
| Grocer selling intoxicating liquors on Sunday | 1 |
| Grocer selling intoxicating liquors in quantity less than a pint | 1 |
| Innkeepers selling liquors outside of licensed premises | 1 |
| Selling intoxicating liquors on Sunday in an unlicensed house | 1 |
| Selling intoxicating liquors without a licence | 5 |
| Restaurants open on Sunday | 44 |
| Restaurants open between mid-night and five o'clock in the morning | 2 |
| Persons who do for the most part support themselves by the avails of prostitution | 4 |
| Indecently exposing their person in a public park | 13 |
| Found lying or loitering in public parks without giving a satisfactory account of themselves | 4 |
| Children without proper guardianship | 10 |
| Refusing to allow police into a restaurant | 3 |
| Contempt of Court | 1 |
| Persons charged with drunkenness, disorderly conduct, vagrancy and other offences under the vagrancy act | 3592 |
| Total number of offences against statutes | 5379 |

## CASES WHERE THE ACCUSED ELECTED TO BE TRIED BY JURY

| | |
|---|---|
| Obstructing a constable | 4 |
| Assaulting a constable | 1 |
| Assaulting a female (32, 33 Vic., ch. 32) | 1 |

## REFORMATORY SCHOOLS, ETC.

| | |
|---|---|
| Juvenile offenders sent to certified Reformatory School. | 29 |
| Lunatics sent to the asylum of St. Jean de Dieu. | 93 |

## 2°. OFFENCES AGAINST BY-LAWS.

*Described and enumerated as follows :*

| | |
|---|---|
| Carters, traders, and others driving vehicles without licenses.. | 194 |
| Carters absent from their vehicles | 32 |
| Carters driving with false numbers | 10 |
| Carters loitering off the stands unemployed | 151 |
| Carters concealing their numbers | 1 |
| Carters lending their numbers | 8 |
| Carters without badge | 8 |
| Hackney carriages not provided with lighted lanterns at night | 15 |
| Carters demanding more than the tariff | 8 |
| Driving faster than a walk in turning corners of streets or in crossing a street | 3 |
| Driving faster than six miles to the hour | 154 |
| Careless or reckless driving | 4 |
| Driving vehicles without numbers. | 27 |
| Drivers of public licensed vehicles without personal licence... | 48 |
| Refusing to pay carter's fare | 111 |
| Driving sleighs without bells | 1 |
| Carters refusing employment | 11 |
| Disorderly conduct on public markets | 3 |
| Refusing to pay market dues | 3 |
| Butchers exposing meat for sale in private stalls without license | 22 |

| | |
|---|---|
| Butchers keeping private slaughter houses | 5 |
| Selling fish, meat, fruit, vegetables and other provisions in streets and off markets without license | 29 |
| Peddling goods without license | 42 |
| Encumbering streets | 19 |
| Encumbering sidewalks | 117 |
| Injuring sidewalks | 7 |
| Neglecting to repair sidewalks injured in consequence of the erection of new buildings | 4 |
| Driving a vehicle on sidewalks | 3 |
| Lacrosse playing in streets | 3 |
| Balls playing in streets | 2 |
| Damaging trees in streets | 1 |
| Leading animals on sidewalks | 1 |
| Depositing snow in the street | 1 |
| Sidewalks not kept in a proper state of cleanliness | 6 |
| Making excavations in streets without due authority from the City Surveyor | 1 |
| Throwing dirty water in streets | 1 |
| Leaving horses (harnessed) in streets without a competent person to take charge of them | 1 |
| Allowing animals to run at large in streets | 2 |
| Neglecting to place a lighted lantern in a proper manner over or near drains in construction | 1 |
| Throwing house offals in streets | 2 |
| Suspending goods along the front wall of a store | 5 |
| Sliding in streets | 24 |
| Neglecting to cut down snow and ice on sidewalks | 91 |
| Neglecting to cause ashes to be strewn on sidewalks where ice is formed | 161 |
| Neglecting to fence vacant lots | 18 |
| Committing nuisances or permitting such | 27 |
| Neglecting to clean dirty yards | 34 |
| Neglecting to clean offensive privies | 35 |
| Neglecting to construct privies | 2 |
| Covering with earth the contents of a privy | 2 |
| Neglecting to construct private drains | 8 |
| Neglecting to repair private drains | 1 |

| | |
|---|---|
| Neglecting to fil up a vacant lot | 2 |
| Refusing to comply with the orders of the Board of Health | 58 |
| Obstructing such orders | 1 |
| Preventing a health officer from entering a property | 1 |
| Neglecting to comply with the orders of the Inspector of buildings | 3 |
| Preventing the Inspector of buildings from entering into a house | 1 |
| Erecting buildings without giving notice to the Inspector | 28 |
| Altering the front of a building without giving notice to the Inspector | 4 |
| Erecting wooden buildings not encased in bricks and not built upon a stone foundation | 5 |
| Erecting a wooden shed having more than 12 feet in height | 1 |
| Building not sufficiently provided with suitable fire escapes | 1 |
| Using a wood yard without authority | 1 |
| Neglecting to provide the roof of a house with gutters, etc | 2 |
| Neglecting to abate a nuisance caused by smoke | 2 |
| Neglecting to fix a lighted lamp to building materials deposited on the street during the night | 24 |
| Discharging fire arms within the city | 3 |
| Throwing missiles in streets | 6 |
| Throwing snow balls in streets | 5 |
| Firing crackers | 20 |
| Selling fire crackers and fireworks | 8 |
| Bathing opposite the city | 2 |
| Keeping pigs within the city | 1 |
| Keeping unlicensed dogs | 764 |
| Fraudulently connecting a pipe with the water pipes of the city | 1 |
| Using water of Montreal Water Works for hand hose for watering purposes without permission | 19 |
| Destroying turf in public parks | 1 |
| Suspending signs contrary to by-law | 3 |
| Bringing intoxicating liquors into a public park | 1 |
| Neglecting to provide a cart with a resting pole | 25 |
| Driving animals in the city, through the prohibited streets | 20 |
| Second hand dealers selling without license | 10 |

| | | |
|---|---|---|
| 2 | Wasting the city water | 17 |
| 58 | Drawing water from a hydrant without permission | 1 |
| 1 | Altering the water work apparatus | 4 |
| 1 | Apprentices, servants or journeymen guilty of deserting or absenting themselves without leave | 69 |
| 3 | Apprentices, servants, or journeymen guilty of ill-behaviour. | 8 |
| 1 | Apprentices, servants, or journeymen refusing to obey the lawful orders of their masters. | 5 |
| 28 | Apprentices, servants, or journeymen neglecting to fulfil their just duties | 2 |
| 4 | Inducing servants, etc. to abandon their service | 1 |
| | Rag picker without license | 1 |
| 5 | Selling intoxicating liquors in a store on Sunday | 3 |
| 1 | Photograph galleries open on Sunday | 15 |
| 1 | Exposing an indecent statue to public view. | 1 |
| 1 | Grounds and other premises kept in such bad and filthy condition as to be offensive and a nuisance to the neighborhood . | 13 |
| 2 | Keeping a glue, size, oil, etc. factory | 5 |
| 2 | Shops open on Sunday | 7 |
| 24 | Awnings at a lesser height than eight feet above the sidewalk | 19 |
| 3 | Obstructing the tracks of the City Passenger Railway | 7 |
| 6 | Neglecting to cause the chimney of a house to be swept by a licensed sweeper | 6 |
| 5 | Refusing to pay sweeper's fees | 2 |
| 20 | Neglecting to remove a dog complained of | 2 |
| 8 | Keeping billiard tables without paying the semi-annual tax | 8 |
| 2 | Selling cattle off the public cattle markets | 3 |
| 1 | Electoral bribery by a municipal candidate. | 3 |
| 764 | Electoral agent paying carter to convey electors to the polls | 2 |
| | Keeping stinking matter in his establishment. | 6 |
| 1 | Having music in a tavern as a means of attracting customers | 2 |
| 19 | Bowling alley without license | 1 |
| 1 | Posting up a *Theatre Bill* without the same being previously approved of by the Chief of Police | 1 |
| 3 | | |
| 1 | | |
| 25 | | |
| 20 | | |
| 10 | | |

Violation on the part of *The Montreal Street Railway Company*, of section 8 of by-law 48, which provides that all works necessary for constructing and laying down their several railway tracks, including the location of the tracks and rails, shall be made under the supervision of the Road Committee and the City Surveyor..... 1

Total of offences against by-laws..... ..... 2697

## RECAPITULATION.

Total of offences against statutes ..... ..... ... 5379
" " " by-laws. ..... ..... 2697

8076

| Number of convictions. | Number of committed. | Number of discharged. | Number of cases settled or discontinued. | Cases suspended. | Number of trials by jury. | Number of writs of prohibition. |
|---|---|---|---|---|---|---|
| 6,146 | 1,820 | 1,028 | 855 | 40 | 5 | 2 |
| 1,028 | | | | | | |
| 855 | | | | | | |
| 40 | | | | | | |
| 5 | | | | | | |
| 2 | | | | | | |
| 8,076 | | | | | | |

## 3°. CIVIL PROSECUTIONS, ETC.

| | |
|---|---|
| Number of warrants issued for non payment of assessments, duties, taxes or water rates | 12933 |
| Actions issued to recover the cost of sewers | 156 |
| Actions issued for wages of servants, etc | 71 |
| Actions issued for rents of stalls in public markets | 14 |
| Actions issued for water rates | 1 |
| Actions in ejectment | 171 |
| Oppositions *afin d'annuler et de distraire, etc* | 10 |
| *Saisies-arrêts* after judgment | 6 |
| Writs of execution | 26 |
| Writs of possession | 14 |
| Petition for reduction of assessment | 1 |
| Total number of civil prosecutions | 13403 |
| Total number of penal prosecutions | 8076 |
| Grand total | 21479 |

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|---|---|
| Amount of fines and costs received by the Clerk | $18148 82 |
| Amount of costs received by the City Treasurer | 411 66 |
| Total revenue of the Recorder's Court for the year 1886. | $18,560 48 |

H. A. GERMAIN,
*Clerk of the Recorder's Court.*

Montreal, February 1st, 1887.